

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SHIRLEY V. REMMERT,

No. C 08-01645 CRB

Petitioner,

**ORDER GRANTING IFP
APPLICATION AND TO SHOW
CAUSE WHY PETITION SHOULD
NOT BE GRANTED**

v.

JAMES P. FOX, District Attorney of San
Mateo County, et al.,
Respondents.

The Court ordered petitioner to show cause why her petition should not be dismissed. Petitioner filed a response on May 30, 2008. Petitioner's response clarifies that she is challenging her January 17, 2007 conviction arising from incidents on March 26, 2005, June 11, 2005, and April 13, 2006 and she contends that she has exhausted her state remedies. Accordingly, petitioner's application to proceed *in forma pauperis* is GRANTED and the United States Marshal is directed to serve the petition and a summons on Respondent.

The Court has reviewed the petition and finds cause to proceed. Accordingly,

1. The Clerk of the Court shall serve by certified mail a copy of this Order and the petition and all attachments thereto upon the respondents and the respondents' counsel, the Attorney General of the State of California. The Clerk shall also serve a copy of this Order on petitioner.

2. Respondents shall file with this Court and serve upon the petitioner, within sixty (60) days of the issuance of this Order, an answer conforming in all respects to

1 Rule 5 of the Rules Governing Section 2254 Cases, showing cause why a writ of habeas
2 corpus should not be issued. Respondent shall file with the answer a copy of all portions of
3 the state trial and appellate record that have been transcribed previously and that are relevant
4 to a determination of the issues presented by the petition.

5 3. If the petitioner wishes to respond to the answer, she shall do so by
6 filing a traverse with the court and serving it upon the respondents within thirty (30) days of
7 her receipt of the answer.

8 **IT IS SO ORDERED.**

9
10 Dated: June 4, 2008



CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

SHIRLEY,

Plaintiff,

v.

REMMERT-V-C.P. FOX et al,

Defendant.

Case Number: CV08-01645 CRB

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on June 4, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Shirley V. Remmert
990 Berkeley Avenue
Menlo Park, CA 94025

Attorney General's Office
455 Golden Gate Avenue
Ste 11000
San Francisco, CA 94102

Dated: June 4, 2008

Richard W. Wieking, Clerk
By: Barbara Espinoza, Deputy Clerk